

FILED '11 JUN 14 12:20 USDC-ORM

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JASON FUENTES,

Petitioner,

v.

MARK NOOTH,

Respondent.

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Case No. 1:10-cv-00150-CL

**ORDER**

**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I agree with Magistrate Judge Clarke that petitioner procedurally defaulted on five of his six claims, and that the remaining claim fails on the merits. Accordingly, I ADOPT the

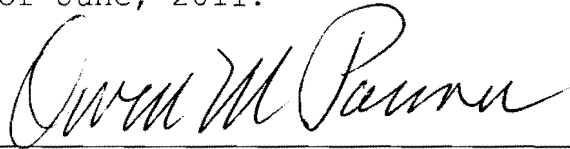
Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#16) is adopted. The petition (#2) is denied and this action is dismissed.

IT IS SO ORDERED.

DATED this 14 day of June, 2011.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE